

Atty. Dkt. No. 048674-0309

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Dallas et al.

Title: POCKET TOOL WITH
FLASHLIGHT

App. No.: 10/716,387

Filing Date: 11/18/2003

Examiner: Prone, Jason D.

Art Unit: 3724

CERTIFICATE OF EXPRESS MAILING
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

EV 633079129 US 6/17/05

(Express Mail Label Number) (Date of Deposit)

Carolyn Simpson

(Printed Name)

(Signature)

DECLARATION UNDER 37 C.F.R. § 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Corey Maynard, declare and say as follows:

1. I am a citizen of the United States and reside at 4530 SE Yamhill St., Portland, OR 97215.

2. I am a Category Marketing Manager for Gerber Legendary Blades, a subsidiary of Fiskars Brands Inc., assignee of U.S. Patent Application No. 10/716,387 ("the present application"). I have been responsible for sales and marketing for more than two years.

3. Gerber Legendary Blades has manufactured and sold both a commercial product ("the Multi-Lite") embodying the features disclosed by U.S. Patent No. 5,916,277 ("the '277 patent") and a commercial product ("the Nautilus") embodying the invention claimed in the present application.

4. Net sales figures for first 12 months that the Nautilus was sold and the last 12 months that the Multi-Lite was offered for sale have been compared. (Gerber ceased offering the Multi-Lite for sale after July 2001 and began selling the Nautilus in April 2004.) Even after excluding one month of abnormally poor net sales for the Multi-Lite, for the comparative time periods, sales of the Nautilus exceeded sales of the Multi-Lite by a ratio of more than five to one on a unit basis.

5. During the same comparative time periods, sales of the Nautilus exceeded

Atty. Dkt. No. 048674-0309

sales of the Multi-Lite by a ratio of more than six to one on a revenue basis (again excluding the month of poor net sales for the Multi-Lite).

6. Based upon my background, knowledge, and experience in the industry, the sales success of the Nautilus relative to the Multi-Lite is the result of the unique features and combinations of features claimed in the present application and not heavy promotion or advertising or other business events extraneous to the merits of the claimed invention.

7. I declare further that all statements made herein are true and that all statements made on information and belief are believed to be true, and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the present application and any patent that may issue thereon.

Respectfully submitted,

Date June 15, 2005

By



Corey Maynard